

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Norfolk Division

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO.: 2:16CR00071-002

MARIBEL ORTIZ,

Defendant.

**POSITION OF THE DEFENDANT
WITH RESPECT TO SENTENCING FACTORS**

In accordance with 18 U.S.C. §3553(a) and the United States Sentencing Commission, *Guidelines Manual*, §6A1.2, the Defendant through counsel, hereby represents that she has reviewed the Probation Office's pre-sentence report and does not dispute any of the factors or facts set out therein. In addition, we fully support a motion for a downward departure pursuant to U.S.S.G. §5K1.1 based on the substantial assistance provided by the Defendant, MARIBEL ORTIZ, in the investigation and prosecution of others involved in criminal activity. The Defendant is grateful for the kindness and understanding displayed by United States Attorney for the Eastern District of Virginia toward her in this matter. The advisory U.S. Guidelines range in this case is 0-6 months. Defendant respectfully requests that the court fashion a sentence in this case which takes into account the sentencing factors outlined in 18 U.S.C. §3553(a).

SUPPORT FOR POSITION ON SENTENCING

When she was arrested on August 8, 2016, Defendant was placed into secure custody. She spent approximately two weeks in custody before being released on a bond, with strict conditions, including electronic home monitoring. Defendant asks that the Court sentence her to 6 months, with all suspended but time served for the following reasons:

Role in Offense:

Defendant had no knowledge of the true reason for her trip to Virginia. (To deliver drugs.) She was instructed by Mattos (her common law husband and co-Defendant) to rent a van and drive the van to Virginia. She was instructed by Mattos to tell police, if they were stopped, they were traveling to a funeral in Virginia Beach. Later that evening, when stopped by police in Virginia, she told investigators exactly what Mattos told her to say. Defendant admits that her decision to follow Mattos's instructions by telling that false story was a horrific mistake. Defendant has pled guilty to Making a Materially False, Fictitious and Fraudulent Statement based on the incorrect information she told investigators. Besides this false statement, there is no evidence to support the argument that she knew of the true reason for the trip.

Lack of Criminal Record:

Defendant has never been charged with any crime other than the charge currently before this Court.

Acceptance of Responsibility:

Defendant has accepted responsibility for making a false statement to law enforcement. As a result, she has been given credit for this in her sentencing guidelines.

Cooperation with Government:

Defendant met with investigators for a debrief for over an hour. She gave them all facts related to the events leading up to her arrest. She gave detailed descriptions of the renting of the van and a timeline for their trip. She verified there were no other subjects traveling with them. She gave investigators the unlock code to her phone recovered at the time of her arrest, so that they could review all the data it contained. She has been available to answer any questions from investigators at any time.

Reflecting on her actions, Maribel wishes that she had said no to Mattos when he asked her to help him. She wishes she had asked more questions so that she could have determined for herself what she was involved in. She could not believe that the man she loved and the father of her children would have put her or her young child at risk by being involved in the transport of narcotics. Participating in this lie to law enforcement officers was the biggest mistake of her life and she takes full responsibility for her actions. We ask for Mercy from this Honorable Court and a sentence that will promote respect for the law but also take into account that the act committed was an aberration.

Respectfully Submitted,

MARIBEL ORTIZ

By: _____



/S/ _____

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CERTIFICATE OF SERVICE

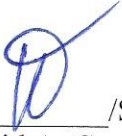
I hereby certify that on October 11, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send notification of such filing (NEF) to the following:

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And I also hereby certify that I have electronically mailed this document to the following non-filing user:

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/S/

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